

Feb 19, 2019

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEAN F. McAVOY, CLERK

KELLI GRAY, and all others similarly
situated,

Plaintiffs,

v.

SUTTELL & ASSOCIATES, et al.,
Defendants.

No. 2:09-cv-00251-SAB

**ORDER DENYING
PLAINTIFF'S MOTION FOR
RECONSIDERATION**

EVA LAUBER, et al.,

Plaintiffs,

v.

ENCORE CAPITAL GROUP, INC., et al.,
Defendants.

Before the Court is Plaintiff Dane Scott's Motion for Reconsideration of Order Granting Defendants' Motion for Summary Judgment, ECF No. 638. The motion was heard without oral argument.

Generally, motions for reconsideration are disfavored. *See Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003). Indeed, the Ninth Circuit has instructed that Rule 59(e) is an "extraordinary remedy" that should not be granted, absent highly unusual circumstances. *Id.* Such circumstances include where the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law. *Id.* (quoting *Kona*

**ORDER DENYING
PLAINTIFF'S MOTION FOR RECONSIDERATION ~ 1**

1 *Enters., Inc. v Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000)).

2 Plaintiff asserts that he is not rehashing arguments rejected by the Court, but
3 is simply asking the Court to certify a dispositive question of state law to the
4 Washington Supreme Court. Plaintiff has not demonstrated he is entitled to such
5 extraordinary relief. He has not presented the Court with newly discovered
6 evidence, shown there is an intervening change in the controlling law, or convinced
7 the Court that it committed clear error.

8 Plaintiff had numerous opportunities to present his arguments to the Court.
9 In issuing its ruling, the Court reviewed the case law regarding the issue of the
10 good faith exception and concluded it applies with respect to Plaintiff's CPA
11 claim. There is no reason to certify this question to the Washington Supreme
12 Court. Indeed, to ask the Court to now certify a question after Plaintiff obtained an
13 unfavorable ruling would work an injustice on Defendants and would not promote
14 judicial economy.

15 Accordingly, **IT IS HEREBY ORDERED:**

16 1. Plaintiff's Motion for Reconsideration of Order Granting Defendants'
17 Motion for Summary Judgment, ECF No. 638, is **DENIED**.

18 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
19 forward copies to counsel and **close the file**.

20 **DATED** this 19th day of February 2019.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

26 Stanley A. Bastian
27 United States District Judge
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